

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Jeff & Martha Elmore  
PO Box 141  
Ekalaka, MT 59324
2. Type of action: Change Application for Additional Stock Tanks 39E 30155995
3. Water source name: Groundwater, Well
4. Location affected by project: Sections 17, 18, 19, 20, 29, and 30 in T1S, R59E and Sections 23, 24, and 25 in T1S, R58E all in Carter County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Statement of Claim 39E 175407-00 is for stock use from a well located in the SENWNW Section 17, T1S, R59E, Carter County. This well is connected to a pipeline system which supplies water to livestock. The Applicant proposes to add 18 stock tanks to water right 39E 175407-00 through this change authorization. The Applicant also proposes to update the quarter section legal description on four existing tanks. The place of use in the NWNWSW Section 17, T1S, R59E will be updated to NWSWNW Section 17, T1S, R59E. The place of use in SESESE Section 18, T1S, R59E will be updated to NESESE Section 18, T1S, R59E. The place of use in SENESW Section 20, T1S, R59E will be updated to SENWSW Section 20, T1S, R59E. The place of use in NWSWSE Section 20, T1S, R59E will be updated to SENWSE Section 20, T1S, R59E. Floats/shut off valves will be used to control flow to the tanks. The pipeline and stock tanks are already in place and fully operational. No new construction is proposed. The stock watering system distributes livestock across the landscape improve grazing management. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

The places of use are listed in the table below:

	Govt Lot	Quarter Sections	Section	Township	Range
1		NWSWNW (updated POU 1)	17	1S	59E
2		NWSWSW (new tank)	17	1S	59E
3		SESWSE (new tank)	17	1S	59E
4		SENESE (new tank)	18	1S	59E
5		SWNWSE (new tank)	18	1S	59E
6		NESESE (updated POU 2 + new waterer)	18	1S	59E

7		NESENW (new tank)	19	1S	59E
8		NENWSE (new tank)	19	1S	59E
9	4	SW (new tank)	19	1S	59E
10		NWSWNW (new tank)	20	1S	59E
11		SENESE (new tank)	20	1S	59E
12		SENWSW (updated POU 3 + new tank)	20	1S	59E
13		SENWSE (updated POU 4)	20	1S	59E
14		NWNWNE (new tank)	29	1S	59E
15		NWSENW (new tank)	29	1S	59E
16	2	NW (new tank)	30	1S	59E
17		SENESE (new tank)	23	1S	58E
18		NWNWSW (new tank)	24	1S	58E
19		NWNENW (new tank)	25	1S	58E
20		NWNWSE (new tank)	25	1S	58E

6. Agencies consulted during preparation of the Environmental Assessment:  
 (include agencies with overlapping jurisdiction)  
 Montana Department of Natural Resources and Conservation  
 Montana Department of Fish, Wildlife, and Parks  
 Montana Department of Environmental Quality  
 Montana Sage Grouse Habitat Conservation Program  
 Montana Natural Heritage Program  
 United States Natural Resource Conservation Service  
 United State Fish and Wildlife Service

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

#### **PHYSICAL ENVIRONMENT**

#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** – The water source is a well that has been in use since 1961. The proposed use will not increase the flow rate or volume of water already appropriated through Statement of Claim 39E 175407-00 and will have no effect on water quantity.

*Determination:* No significant impact

**Water quality** –The proposed plan to add stock tanks will not impair groundwater quality.

*Determination:* No significant impact

**Groundwater** – The addition of stock tanks to this existing use of a well will not have an impact on groundwater. The herd size will not increase under the proposed change. Neither the flow rate

nor the volume will increase. There will be no change in the rate or timing of stock use. Only the place of use will change due to the addition of stock tanks. Water will be conveyed to the additional stock tanks through a pipeline so there will be no conveyance losses. The Applicant proposes to equip each stock tank with float/shut-off valves to control flow to the tanks.

*Determination:* No significant impact

**DIVERSION WORKS** - The system consists of a well, completed in 1961, and a pipeline system connected to 22 stock tanks that have been added over time. From the well, water is pumped at a rate of 10 GPM into the pipeline system. The flow rate is based on the rating of the 1 HP pump currently in use. The pipeline system consists of 1 to 2-inch pipeline of varying materials including poly pipe, PVC pipe, and HDPE pipe. All pipeline is buried to a depth below the frost line (~6+ feet). Air control valves are installed where needed and curb stop valves and float valves are installed at each tank. The pipeline system is already constructed and operational supporting that the means of diversion is adequate.

*Determination:* No significant impact

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** – According to the Montana Natural Heritage Program, there are 13 animal species of concern in the proposed project area. Animal species of concern include Hoary Bat, Long-legged Myotis, Golden Eagle, Burrowing Owl, Ferruginous Hawk, Greater Sage Grouse, Bobolink, Pinyon Jay, Loggerhead Shrike, Long-billed Curlew, Great Blue Heron, Snapping Turtle, and Sauger. The Montana Natural Heritage Program indicates that Tall Dropseed is a plant species of concern and Many-stem Goldenweed is a potential species of concern in the project area. According to the Montana Sage Grouse Habitat Conservation Map, this project is within core and general sage grouse habit. The project is consistent with the Montana Sage Grouse Conservation Strategy according to a letter from Therese Hartman, Acting Manager, dated May 4, 2022. The proposed project is consistent with the current stock use of land in the area and is not likely to impact threatened or endangered species or create barriers to migration or movement of fish or wildlife.

*Determination:* No significant impact

**Wetlands** –The additional stock tanks for this project are not located within the areas identified as wetlands by US Fish and Wildlife Service National Wetlands Inventory.

*Determination:* No significant impact

**Ponds** – There are no ponds associated with the proposed project.

*Determination:* No impact

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** – This stock watering system covers a broad area in T1S, R59E and T1S, R58E, Carter County. The system consists of approximately 12 miles of pipeline and 22 stock tanks. According to the USDA Natural Resources Conservation Service, there is a wide range of soil types in the project area including loams, silty clay loams, sandy loams, clays, Gerdrum-Absher complex, and Creed-Gerdrum complex soils.

The addition of stock tanks on these soils is unlikely to cause significant impact on soil quality or stability.

*Determination:* No significant impact.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** – Existing vegetative cover in the area is rangeland. The addition of stock tanks will improve range management. The installation of pipelines and tanks may contribute to the establishment and spread of noxious weeds. It is the responsibility of the property owner to monitor for and implement measures for noxious weed control.

*Determination:* No significant impact

**AIR QUALITY** – The use of water from a well for stock purposes will not impact air quality.

*Determination:* No impact

**HISTORICAL AND ARCHEOLOGICAL SITES** – NA-project not located on State or Federal Lands.

*Determination:* Not applicable

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - No additional demands on environmental resources are recognized.

*Determination:* No impact

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** – There are no known locally adopted environmental plans or goals.

*Determination:* Not applicable

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** – The proposed project is located on privately owned agricultural land. The project will not impact access to recreational or wilderness activities.

*Determination:* No impact

**HUMAN HEALTH** – No impacts to human health have been identified for the proposed addition of stock tanks to an existing stock water right on a well.

*Determination:* No impact

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No\_x\_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts are recognized

Cumulative Impacts: No cumulative impacts are recognized

**3. *Describe any mitigation/stipulation measures:*** None

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The alternative to the proposed project is the no action alternative. The no action alternative prevents the property owner from improving efficiency of the watering system and improving range management practices. The no action alternative does not prevent or mitigate any significant environmental impacts.

### *PART III. Conclusion*

**1. Preferred Alternative:** Issue the change authorization if the applicant proves the criteria in 85-2-402 MCA are met.

**2 Comments and Responses:** None

**3. Finding:**

Yes\_\_ No\_x\_ Based on the significance criteria evaluated in this EA, is an EIS required?

There are no significant impacts associated with the project so an environmental assessment is the appropriate level of analysis.

*Name of person(s) responsible for preparation of EA:*

*Name:* Jill Lippard

*Title:* Water Resource Specialist

*Date:* 11/3/2022